

#### **IV. REMARKS**

It is respectfully submitted that claim 5 was rejected in the Final Office Action of March 6, 2003 under 35 U.S.C. §103 using Saitoh et al. (U.S. Patent No. 6,127,039), Echigo et al. (U.S. Patent No. 5,342,668), and Sato et al. (U.S. Patent No. 4,571,362), along with a rejection of claims 1-4, 8, 9 under 35 U.S.C. §102 using only Saitoh et al. Claim 5 is dependent upon claim 1. However, the above-identified application was filed after November 29, 1999, and above-identified application and Saitoh et al. were, at the time the invention of the above-identified application was made, owned by TDK Corporation of Tokyo. Pursuant to 35 U.S.C. §103(c) and M.P.E.P §706.02(I)(1), Saitoh et al. is **disqualified as prior art**. Thus, it is respectfully submitted that the rejection of claim 5 under 35 U.S.C. §103 using Saitoh et al. must be withdrawn at least for this reason and therefore allowable over the applied art. It is respectfully submitted that this point was not addressed by the Examiner within the Advisory Action.

In view of the foregoing along with the entry of the amendments in the previously-filed Amendment After Final Rejection by virtue of the attached RCE, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

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Enclosure(s): Transmittal  
Request for Continued Examination

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